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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 PAUL ALAN GILMORE,

10 Petitioner,

11 v.

12 RON HAYNES,

13 Respondent.

CASE NO. 3:18-cv-05496-BHS-DWC

ORDER SUBSTITUTING
RESPONDENT AND FOR SERVICE
AND ANSWER, § 2254 PETITION

14 This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently
15 incarcerated at the Stafford Creek Corrections Center and is subject to the Court's Prisoner E-
16 Filing Initiative pursuant to General Order 06-16. The Court, having reviewed Petitioner's
17 federal habeas Petition, hereby finds and **ORDERS** as follows:

18 (1) In his Petition, Petitioner named the State of Washington as Respondent.
19 However, under Rule 2(a) of the Rules Governing Section 2254 Cases, "the petition must name
20 as respondent the state officer who has custody." Petitioner is currently confined at the Stafford
21 Creek Corrections Center in Aberdeen, Washington. *See* Dkt. 1-1, p. 1. The Superintendent of
22 the Stafford Creek Corrections Center is Ron Haynes. Accordingly, the Clerk is directed to
23 substitute Ron Haynes as the Respondent in this action.

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1 (2) The Clerk shall arrange for service by email upon respondent and upon the
2 Attorney General of the State of Washington, of copies of the petition, of all documents in
3 support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the
4 Court's *pro se* instruction sheet to petitioner.

5 (3) Within ***forty-five (45) days*** after such service, respondent(s) shall file and serve an
6 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States
7 District Courts. As part of such answer, respondent(s) shall state whether petitioner has
8 exhausted available state remedies and whether an evidentiary hearing is necessary.
9 Respondent(s) shall not file a dispositive motion in place of an answer without first showing
10 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of
11 the Court and serve a copy of the answer on petitioner.

12 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face
13 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.
14 Petitioner may file and serve a response not later than the Monday immediately preceding the
15 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply
16 not later than the Friday designated for consideration of the matter.

17 (5) Filing by Parties, Generally

18 All attorneys admitted to practice before this Court are required to file documents
19 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.
20 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom
21 the document is directed.

1 Any document filed with the Court must be accompanied by proof that it has been served
2 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner
3 shall indicate the date the document is submitted for e-filing as the date of service.

4 (6) Motions

5 Any request for court action shall be set forth in a motion, properly filed and served.
6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
7 part of the motion itself and not in a separate document. The motion shall include in its caption
8 (immediately below the title of the motion) a designation of the date the motion is to be noted for
9 consideration on the Court's motion calendar.

10 (7) Direct Communications with District Judge or Magistrate Judge

11 No direct communication is to take place with the District Judge or Magistrate Judge with
12 regard to this case. All relevant information and papers are to be directed to the Clerk.

13 Dated this 26th day of June, 2018.

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16 David W. Christel
17 United States Magistrate Judge
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